

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b) Robert J. Feinstein (admitted <i>pro hac vice</i>) Bradford J. Sandler Paul J. Labov Colin R. Robinson PACHULSKI STANG ZIEHL & JONES LLP 780 Third Avenue, 34 th Floor New York, NY 10017 Telephone: (212) 561-7700 Facsimile: (212) 561-7777 rfeinstein@pszjlaw.com bsandler@pszjlaw.com plabov@pszjlaw.com crobinson@pszjlaw.com <i>Counsel to the Plan Administrator</i>
In re: BED BATH & BEYOND INC., <i>et al.</i> , ¹ Debtors.

Chapter 11

Case No. 23-13359 (VFP)

(Jointly Administered)

**NOTICE OF AGENDA FOR EVIDENTIARY HEARING ON NOVEMBER 29, 2023
AT 10:00 A.M. (ET) BEFORE THE HONORABLE CHRISTINE M. GRAVELLE
IN THE U.S. BANKRUPTCY COURT FOR THE DISTRICT OF NEW JERSEY**

Please note that this evidentiary hearing will be conducted in person and via Zoom before the Honorable Christine M. Gravelle, in the United States Bankruptcy Court for the District of New Jersey, 50 Walnut Street, 3rd Floor, Courtroom 3B, Newark, New Jersey 07102.

I. EVIDENTIARY HEARING

1. Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Filed June 13, 2023] (Dkt. No. 714).

¹ The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtor's proposed claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>.

A. Related Documents

- Order (I) Approving the Auction and Bidding Procedures, (II) Approving Stalking Horse Bid Protections, (III) Scheduling Bid Deadlines and an Auction, (IV) Approving the Form and Manner of Notice Thereof, and (V) Granting Related Relief [Entered April 25, 2023] (Dkt. No. 92).
- Order (I) Establishing Procedures to Sell Certain Lease, (II) Approving the Sale of Certain Leases, and (III) Granting Related Relief [Entered May 22, 2023] (Dkt. No. 422).
- Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Filed June 13, 2023] (Dkt No. 714).
- Certificate of Service [Filed June 27, 2023] (Dkt. No. 1107).
- Notice of Assumption of Certain Unexpired Leases [Filed June 30, 2023] (Dkt. No. 1157).
- Notice of Hearing for Evidentiary Hearing regarding Store Number 1107 [Filed October 3, 2023] (Dkt. No. 2402).
- Notice of Rescheduling of Evidentiary Hearing Regarding Store Number 1107 (Dkt. Nos. 1025 and 1360) [Filed November 17, 2023] (Dkt. No. 2702).
- Certificate of Service Regarding Notice of Rescheduling of Evidentiary Hearing (Dkt. No. 2702) [Filed November 17, 2023] (Dkt. No. 2703).

B. Responses/Objections

- Limited Objection of Realty Income Corporation to Potential Assumption and Assignment of Unexpired Lease and Reservation of Rights [Filed June 26, 2023] (Dkt. No. 1025).
- Objection of Landlord Realty Income Corporation to Debtors' Motion for Order Authorizing Debtors to Assume and Assign Real Property Lease for Store No. 1107 [Filed July 14, 2023] (Dkt. No. 1360).
- Supplemental Objection to Debtors' Motion for Order Authorizing Debtors to Assume and Assign Unexpired Non-Residential Real Property Lease for Store No. 1107 [Filed November 15, 2023] (Dkt. No. 2695).
- Declaration of Matthew McDonald in Support of Realty Income Corporation's Supplemental Objection to Debtors' Motion for Order Authorizing Debtors to Assume and Assign Unexpired Non-Residential Real Property Lease for Store No. 1107 [Filed November 15, 2023] (Dkt. No. 2696).

- Declaration of Demetri Lahanas in Support of Realty Income Corporation's Supplemental Objection to Debtors' Motion for Order Authorizing Debtors to Assume and Assign Unexpired Non-Residential Real Property Lease For Store No. 1107 [Filed November 15, 2023] (Dkt. No. 2697).
- Declaration of J. Alexandra Rhim in Support of Realty Income Corporation's Supplemental Objection to Debtors' Motion for Order Authorizing Debtors to Assume and Assign Unexpired Non-Residential Real Property Lease For Store No. 1107 [Filed November 15, 2023] (Dkt. No. 2698).
- Realty Income Corporation's Resubmission of Exhibits to Declaration of Demetri Lahanas in Support of Supplemental Objection to Debtors' Motion for Order Authorizing Debtors to Assume and Assign Unexpired Non-Residential Real Property Lease for Store No. 1107 [Filed November 17, 2023] (Dkt. No. 2704).
- Realty Income Corporation's Notice of Errata to Declaration of Matthew McDonald in Support of Supplemental Objection to Debtors' Motion for Order Authorizing Debtors to Assume and Assign Unexpired Non-Residential Real Property Lease for Store No. 1107 [Filed November 17, 2023] (Dkt No. 2706).
- Reply of Ollie's Bargain Outlet, Inc. in Support of the Assumption and Assignment of a Certain Unexpired Lease [Filed November 22, 2023] (Dkt. No. 2713).
- Declaration of Robert Helm in Support of the Assumption and Assignment of a Certain Unexpired Lease [Filed November 22, 2023] (Dkt. No. 2714).
- Joinder of the Plan Administrator to Reply of Ollie's Bargain Outlet, Inc. in Support of the Assumption and Assignment of a Certain Unexpired Lease [Filed November 27, 2023] (Dkt. No. 2720).

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- Certificate of Service [Filed November 27, 2023] (Dkt. No. 2721).

Status: **This matter will go forward.**

Dated: November 28, 2023

/s/ Bradford J. Sandler

Robert J. Feinstein (admitted *pro hac vice*)

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